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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/506,189	02/17/2000	Simon Robert Smith	00138	7235

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09/25/2002

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EXAMINER

GUBIOTTI, MATTHEW P

ART UNIT

PAPER NUMBER

2124

DATE MAILED: 09/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/506,189

Applicant(s)

SMITH ET AL.

Examiner

Matthew Gubiotti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Pri rity under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/506,189, filed on February 17, 2000.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character ``12'' has been used to designate both Business Workers (Figure 1) and a model of Care Planning and Delivery (Figure 2). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the details of the user interface as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Legible copies of the referenced screen captures (Figures 2-10) are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 3 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 recites the limitation "process models" in Line 1. There is insufficient antecedent basis for this limitation in the claim. The term has been treated in this action as "process model".

As per claim 7, line 1, it recites ``according to claim 7'' which refers to itself as its parent claim. Appropriate correction is required. The claim has been treated by the examiner as reading, ``according to claim 1''

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kodosky (US 6,173,438) in view of DeLong (US 5,892,947). Referring to claim 1, Kodosky discloses process and method for the creation of software components in response to a

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graphical process model created by a user (Column 3, Lines 65-67). Kodosky further discloses an information system acting as the user interface between identified software components (Column 4, Lines 1-2). Kodosky additionally discloses a method for creating components in a browser-compatible format for identifying software requirements and relationships (Abstract, Lines 21-25). Kodosky does not expressly disclose software support as the underlying basis of the process model. However, DeLong teaches a software component satisfying the components of software support (Column 1, Lines 38-44; 50-53). Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to apply the software methodology taught by Kodosky to software support components. One of ordinary skill in the art would have been motivated to do this because the process-driven information system and software development methodology disclosed by Kodosky is not restricted to instrumentation functionality.

Referring to claim 2, Kodosky discloses a process model comprising a set of graphical business models representing instrumentation functionality (Column 3, Lines 61-64).

Referring to claim 4, Kodosky teaches a tool that uniquely identifies and maps elements of a process model to a software component (Column 5, Lines 5-10).

Appertaining to claims 6 and 7, Kodosky further discloses a display screen by which a user can access process model elements (Column 5, Lines 39-44). He further discloses a method by which

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a user can interact with these elements via a conventional PC user control system (Column 7, Lines 47-54; Figure 1, 102)

Pertaining to claims 3 and 5, since the beginning of the Information Age it is well known in the computer art that users access applications and information, such as process models, through the Internet. Such information is made available over networks because it allows for greater accessibility and utility. It is also widely known in the art, that access to the Internet is achieved through an interface, commonly referred to as a web-browser (Refer to US 5,826,242). The use of a alternative web page, or web-based resource, as a software component in a process model satisfying the requirements for software support is analogous to a user accessing the Internet through a web browser and interacting with an element to access support information.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew Gubiotti whose telephone number is (703) 305-8285. The examiner can normally be reached on M-F, 8-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (703) 305-9662. The fax phone numbers for the organization where this application or proceeding is assigned are

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(703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

MPG

September 20, 2002



TUAN Q. DAM
PRIMARY EXAMINER